

APPROVED: Meeting No. 20-90

ATTEST: *Sharon A. Dean*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 17-90

April 23, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on April 23, 1990, at 7:35 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepien

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. There was another opportunity today to strengthen the City-to-City relationship with the City of Baltimore. The Baltimore Public Works Department senior staff visited our Public Works senior staff, and a great deal of information was shared.

2. This past weekend the City participated in two major events, the Career Fair sponsored by the Rockville Chamber of Commerce and Rockville Science Day. Hundreds of people stopped by the City's booths at both events.

3. The City is continuing to support the 1990 Census activities in order to ensure a complete count. A Census Disco was sponsored by the Department of Recreation and Parks and the Department of Community Services at the Montrose Recreation Center

Meeting No. 17-90

2

April 23, 1990

and the Lincoln Community Center. The City will be providing space to census enumerators this week.

4. The fishing derby held this past weekend was successful with 62 participants in the 16 and under category and 10 individuals in the 60 and over category. Another fishing derby will be held on April 28.

5. Inasmuch as the construction on the Whalen project will not start until after Hometown Holidays, the events planned for Middle Lane will be moved to the Whalen property in order to keep all of the events closer together.

6. With respect to the allegations made about unsafe working conditions due to diesel fumes at the Gude Drive facility, MOSHA recently completed a review and found that there is no unsafe condition at this facility, giving it a clean bill of health. Training is required, however, regarding the "Right to Know" law and the City will willingly comply.

7. City officials and employees are the recipients of a number of recent awards. Mayor Duncan was selected by the Jaycees as one of Ten Outstanding Young Marylanders for 1990. Councilmember Hovsepien was chosen to receive the Fair Housing Award from the Elected Official Category which will be presented on Thursday, April 26. One of our retired employees, Michael Taylor, has been named the 1990 winner of the Tawes Award for a Clean Environment for designing and building a recovery system to treat and recycle gasoline leaking from underground tanks. Josephine Roberts, Director of Community Services, has been selected by the Rockville Gazette to receive its Community Service Award which will be presented Thursday, April 26.

Re: Presentation of "Tree City
USA" award for outstanding
urban forestry programs.

The National Arbor Day Foundation has selected Rockville to receive the Tree

Meeting No. 17-90

3

April 23, 1990

City USA award, signifying the City's achievements in developing and maintaining a comprehensive community forestry program. Bill Bond, Project Forester for the State of Maryland representing Montgomery County, presented the award to the Mayor and Council. Mr. Bond noted that the City has managed its tree population in a sound and efficient fashion and met the four criteria required for the designation: legislatively constituted tree body; tree ordinance; community forestry plan; and an Arbor Day celebration.

Re: Proclamation declaring April
27, 1990, as "Arbor Day" in
Rockville.

Proclamation No. 07-90

By a unanimous vote of the Mayor and Council, April 27, 1990 was proclaimed "Arbor Day" in Rockville. At the request of the Mayor, Councilmember Hovsepian read the Proclamation, the full text of which can be found in Proclamation Book No. 5 of the Mayor and Council. Stephen Edwards, Chairperson of the Recreation and Park Advisory Board, received the Proclamation.

The City will observe Arbor Day with a special ceremony and tree planting at the Rockville Senior Center, at 11:45 a.m. on April 27.

Re: Proclamation declaring April
27, 1990, as "National Youth
Service Day" in Rockville.

Proclamation No. 08-90

By a unanimous vote of the Mayor and Council, April 27, 1990 was proclaimed "National Youth Service Day" in Rockville. Mayor Duncan read the Proclamation, the full text of which can be found in Proclamation Book No. 5 of the Mayor and Council. The following individuals who have been instrumental in providing leadership to the City's youth in student support programs such as SHOP (Students Helping Other People) and

Children Are People groups accepted the Proclamation: Linda Dubrasky, Stephen Durand, Joyce Katze, Patricia Van Cott and Joanne White. Susan Chizum was unable to be present.

A number of events are planned in Rockville on April 27 to recognize and highlight the positive contributions of our youth, including the kick-off of the 1990 Student Government Days Program.

Re: Proclamation declaring April
27-28, 1990 as "Special
Olympics Days" in Rockville.

Proclamation No. 09-90

By a unanimous vote of the Mayor and Council, April 27 and April 28, 1990, were proclaimed "Special Olympic Days" in Rockville. At the request of the Mayor, Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Sean Maloney of Montgomery County Special Olympics accepted the Proclamation.

Montgomery County Special Olympics will host their 22nd annual games on Friday, April 27, and Saturday, April 28, at the Rockville campus of Montgomery College and at Richard Montgomery High School with over 400 athletes and 500 volunteers participating.

Re: Proclamation declaring the
month of May as "Older
Americans Month."

Proclamation No. 10-90

By a unanimous vote of the Mayor and Council, the month of May was declared "Older Americans Month" in the City of Rockville. At the request of the Mayor, Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Mary Schultz, President of the Americana Seniors Club, and James Henry, Chairperson of the Senior Citizens Commission, accepted the Proclamation.

Meeting No. 17-90

5

April 23, 1990

Re: Presentation of Rockville Seniors, Inc. contribution to the City toward the operating budget for the Senior Center.

Bernard Shannon, Chairperson of Rockville Seniors, Inc. and Donald Bokelman, Treasurer, presented the Mayor and Council with a check in the amount of \$10,000, as a contribution toward the operating budget for the Senior Center. These monies were raised by the seniors through a number of fundraising efforts.

Re: Proclamation declaring the week of May 6-12, 1990 as "Rockville Pet Week."

Proclamation No. 11-90

By a unanimous vote of the Mayor and Council, the week of May 6-12, 1990 was declared "Rockville Pet Week." At the request of the Mayor, Councilmember Marrinan read the Proclamation, the full text of which can be found in Proclamation Book No. 5 of the Mayor and Council. Ruth Hanessian, owner of Animal Exchange, received the Proclamation. Mrs. Hanessian provided information regarding the Blessing of the Animals which will take place at Ritchie Center on May 25 as part of the Hometown Holidays Celebration.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Richard Resnick, North Farms Citizens Association, referenced Item #13 on the agenda, review and approval of schematic building design plans for Marriott/Tower Oaks development. He indicated that he has spoken with the developers and has no fundamental problem with the design plan. The concern of the community, however, is the view from the neighborhood and whether the development will be visible. He asked that any instructions to the Planning Commission include the request that they be conscious

Meeting No. 17-90

6

April 23, 1990

of heights of buildings and visual sitings of buildings from the neighborhood.

Mr. Resnick also expressed concern with the need for a traffic light at Farm Haven Drive. The City traffic engineer will follow-up regarding this matter.

Re: Appointments

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Floria McGuckian was appointed to a two-year term on the Cultural Arts Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Helen Roberto was appointed to a three-year term on the Senior Citizens Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Tom Maddox was reappointed and Stanley Klein was appointed to the Traffic and Transportation Commission for terms of two-years.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 13-90 (March 28, 1990) were approved, as amended.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 14-90 (April 2, 1990) were approved, as amended.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 15-90 (April 16, 1990) were approved, as written.

Re: Consent Agenda

Councilmember Marrinan asked that Items E, H, J and S be removed from the Consent Agenda; Councilmember Hovsepian requested that Items A and O be removed, and Mayor Duncan requested that Item G be removed.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

Meeting No. 17-90

7

April 23, 1990

- B. Approval of waiver for on-site Storm Water Management for the property at 123 Charles Street in the Rock Creek drainage area, and acceptance of a \$2,800 contribution for the off-site SWM fund.

The developer, Carlton Tabler, plans the construction of a single-family home.

- C. Approval of waiver for on-site Storm Water Management for the property at Coleman Park Lane in the Rock Creek drainage area, and acceptance of a \$9,200 contribution for the off-site SWM fund.

The developer, Globe Building and Development Company, plans the construction of two single-family homes.

- D. Award of Bid No. 94-90 for purchase of refuse packer trucks for \$102,380 as follows: two 35,000 lb. GVW truck chassis from Central GMC, Inc. for the low bid amount of \$67,580; and two refuse compactor bodies from Waddle Truck Equipment Co. for the low bid of \$34,800.

This purchase will provide two replacement refuse packer trucks.

- F. Award of Bid No. 71-90, for a pedestrian footbridge in Woodley Gardens Park, to Ryon, Inc. for the low bid of \$57,824.

The project, budgeted at \$60,000, includes the removal of three existing bridges and foundations and the installation of a 60' by 80' dual span bridge in the park with an asphalt pathway connection to the parking lot.

- I. Approval of an agreement with the firm of KPMG Peat Marwick, Certified Public Accountants, to provide financial audit services for the City for the fiscal years ending June 30, 1990, 1991 and 1992. The fee proposed for the first year is \$33,900.

- K. Approval of "Offer of Agreement" contracts with Philip R. and Piper P. Caswell, Douglas R. and Margaret R. Shumaker, and John T. Bell.

The staff has negotiated agreements with these three property owners for the acquisition of right-of-way needed for the improvement of West Montgomery Avenue.

- L. Approval of the proposed FY1991 Civic Center Fees.

The Civic Center will require a 5% increase in fees related to the Civic Center Mansion, Social Hall, F. Scott Fitzgerald Theatre and rental fees for the recreation center buildings, picnic sites and garden plots. The proposed fees have been reviewed by the Cultural Arts Commission and the Recreation and Park Advisory Board.

- M. Introduction of Ordinance to approve Map Amendment Application M-56-89, Mayor and Council of Rockville, applicant.

The purpose of this Map Amendment is to place the Lincoln High School buildings and site on N. Stonestreet Avenue, Lincoln Avenue and Howard Avenue in an historic district under the jurisdiction of the Historic District Commission.

- N. Introduction of Ordinance to adopt Text Amendment Application T-104-90, Rockville Planning Commission, applicant.

April 23, 1990

This is a technical update to the Zoning Ordinance with amendments to various sections dealing with definitions, uses, development standards and parking requirements.

P. Introduction of Ordinance to make the provisions of Chapter 18 of the Rockville City Code entitled "Rental Facilities" applicable to accessory apartments by amending various definitions in said chapter, by providing for an accessory apartment rental unit license and by providing minimum facilities requirements for accessory apartments.

Q. Introduction of Ordinance to amend Chapter 5, Article XII of the Rockville City Code entitled "Property Maintenance Code" so as to provide for inspection and regulation of accessory apartments and to add and modify various definitions to accomplish same.

R. Introduction of Ordinance to amend Chapter 1 of the Rockville City Code so as to permit Montgomery County Code Chapter 11A, entitled "Condominiums," Chapter 11C, entitled "Cooperative Housing" and Chapter 53A, entitled "Tenant Displacement" to apply within the City of Rockville.

Re: Approval of waiver for on-site Storm Water Management for the property at 114 Frederick Avenue in the Rock Creek drainage area, and acceptance of a \$2,800 contribution for the off-site SWM fund.

The developer, Montgomery Habitat for Humanity, Inc., plans the construction of a single-family home.

Councilmember Hovsepien stated that she had asked to have this item (A) removed from the Consent Agenda to inquire as to whether or not Montgomery Habitat for Humanity, Inc. was aware of this fee during negotiations, and staff responded in the affirmative.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, waiver for on-site Storm Water Management for the property at 114 Frederick Avenue in the Rock Creek drainage area, and acceptance of a \$2,800 contribution for the off-site SWM fund, was approved.

Re: Award of Bid No. 102-90 for the installation of two new traffic signals to Hawkins Electric Company, College Park, Maryland, for its low bid of \$77,802; and purchase of two Econolite KMCE-8000 traffic signal controllers from the State Highway Administration for a total of \$22,000.

Together, these two actions will provide the equipment and services needed for the installation of new traffic signals on W. Ritchie Parkway at Hurley Avenue and W. Ritchie Parkway at Greenplace Terrace. The work also includes minor modifications to an existing signal at Ritchie Parkway and Seven Locks Road.

Item E was removed from the Consent Agenda in order to inquire about the reliability of the contractor inasmuch as the completion date is close to the opening of school. Staff commented that this contractor has done a lot of work for the City and has assured the Traffic Engineer that the work would be completed on schedule.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Award of Bid No. 12-90 was approved.

Re: Approval of sole source contract for Independence Day fireworks display to Zambelli Internationale of New Castle, Pennsylvania, in the amount of \$22,820.

Meeting No. 17-90

11

April 23, 1990

July 4th fireworks display at Richard Montgomery High School stadium will include ground displays, aerial shells and grand finale shells. The budgeted amount is \$24,000.

Mayor Duncan requested that Item G be removed from the Consent Agenda to inquire as to whether any special fireworks were planned on July 4th in recognition of Rockville's 130th Anniversary. Staff will work with the contractor to plan additional fireworks and will furnish the Mayor and Council with information as to additional costs.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the sole source contract with Zambelli Internationale in the amount of \$22,820 was approved.

Re: Authorization to increase the Greenhorne & O'Mara, Inc. design contract for Ritchie Parkway, Seven Locks to Rockville Pike (City Project 1D11) by \$55,312 to a total of \$337,317.

This increase will cover additional expenditures necessary to satisfy outside environmental agency requirements and to cover work not originally included in the contract.

Inasmuch as the background material for Item H indicated that future work was to be completed and that this is an open-ended commitment, Councilmember Marrinan requested additional information from staff. The City Manager commented that the project is complex and they have had to change engineering firms because of lack of performance. Staff has verified the additional work needed and detailed the reasons for same. Councilmember Robbins requested that the Mayor and Council be kept abreast of any difficulties or unforeseen problems.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, authorization was provided to increase the Greenhorne & O'Mara contract by \$55,312 to a total of \$337,317.

Re: Submission of financial reports summarizing the results of City operations for the period from July 1, 1989 through March 31, 1990.

Councilmember Marrinan asked to have this item (J) removed from the Consent Agenda in order to request information as to why there is a significant increase in General Fund and Funds Other than General Funds. Staff responded that the General Fund is running ten percent over last year's levels, as anticipated, due to increases in service levels. The reason for an increase in Funds Other than General Funds is due to capital projects, the objective of which is to get a greater portion of capital projects completed earlier thereby decreasing costs.

Re: Introduction of Ordinance to enact a new Chapter 13A entitled "Moderately Priced Housing" so as to require that all subdivisions of 50 or more dwelling units include a minimum number of moderately priced units; and to encourage the construction of moderately priced housing by allowing optional increases in density in order to reduce land costs and costs of optional features that may be built into such moderately priced housing.

Councilmember Hovsepian commented that the Ordinance needs a lot of work. She questioned additional information provided by the City Attorney regarding projects to be excluded from the proposal and asked if the concept design for the Tower Oaks project included a residential component at the time it was approved. The City Attorney

Meeting No. 17-90

13

April 23, 1990

responded that while the Mayor and Council wish to exclude from the MPDU Ordinance any exploratory applications or concept plans which have already been approved, the Tower Oaks residential component could fall under an MPDU Ordinance when the developers get to that particular stage. Councilmember Hovsepian commented that the City's situation is very different from the County's and that most of the development in the City would be multiple-family, such as the Holladay-Tyler project and the proposal for First Street at Veirs Mill Road. She would like to see these projects and Tower Oaks subject to the MPDU Ordinance.

Councilmember Hovsepian also noted that Rockville's Housing Authority does not have the same resources as the Housing Opportunities Commission, expressing concern with proposed language which provides a lead role for the Housing Authority in areas such as exercising right of first-refusal (buy-backs) when the City is still subsidizing the ongoing operations of the Housing Authority.

Councilmember Hovsepian raised the issue of bonus densities in view of the fact that there is no density to be offered on the Pike and indicated the option of exempting fees for developers should be pursued. Councilmember Coyle stated that he had a number of concerns involving the proposed housing fund, housing enterprise zone, vacant land, etc. and that these issues should be reviewed in detail at a worksession following the public hearing on the housing legislation.

With respect to including residential development in Tower Oaks under the MPDU Ordinance, Mayor Duncan disagreed. When the MPDU Ordinance was discussed in relation to Chestnut Lodge, it was agreed that the Ordinance would not apply retroactively to any project already approved. Since Tower Oaks was approved earlier, it should be treated as Chestnut Lodge at this point. Mayor Duncan noted that a separate hearing on the housing legislation would be held in late May or early June, and the Tower Oaks

developers should be asked to comment at the public hearing regarding the applicability of the MPDU Ordinance. The Ordinance was duly introduced by the Mayor and Council.

Re: Approval of staff reports on the following issues discussed at the worksession held in February 1990: examination of vacant land in the City as a housing resource, housing enterprise zones and potential new housing programs financed through a City housing fund.

Councilmember Marrinan asked why this Item (S) was on the Consent Agenda. Mayor Duncan indicated that the items would be discussed in worksession after the public hearing.

Re: Review and approval of schematic building design plans for Marriott/Tower Oaks development, Tower-Dawson Limited Partnership, applicant.

Staff provided background with respect to approval of the Concept Plan authorizing development of the 192-acre tract (Tower Oaks) in 1987. A condition of approval was that the Mayor and Council retain approval authority over schematic building design plans, without further public hearing, prior to submission of Detailed Applications to the Planning Commission. Development of an approximately 9.4 acre site for the Marriott Corporation is the first building planned for the Tower Oaks project. The site is a triangular parcel formed by I-270, proposed Ritchie Parkway and Tower Oaks Boulevard, known as the "south gateway" site. The nationally known architectural firm of Kohn, Pederson and Fox of New York City has been retained to design the Marriott building.

The architect has devised a plan of two, ten-story buildings on a three-level base of below-grade parking and service areas. The site can be accessed from Tower Oaks

Meeting No. 17-90

15

April 23, 1990

Boulevard in two locations, and drivers are directed either to two parking garage entrances or a visitor drop-off area to the west side of the complex. Some surface parking will also be provided on the west side of the site. The two office buildings are joined at the first floor by a two-story reception area and lobby, preliminarily designed to be a glass atrium-type of space. Much of the site is wooded, and the developer has indicated that as much of the existing woodland as possible would be saved.

In response to Mayor Duncan's question as to whether the Planning Commission has commented on the schematic building design, staff responded that a memorandum dated April 17 indicates that the Planning Commission reviewed it at their meeting of April 11 and decided they would offer no comment to the Mayor and Council.

William Kominers, attorney for Tower Oaks, clarified that this was just a conceptual review, not final. He indicated that staff has been very helpful to them during this process, and the materials submitted to the City were also furnished to the residents of North Farm and New Mark Commons at the same time.

Mayor Duncan requested comments regarding Mr. Resnick's comments during Citizens Forum. Mr. Kominers asked Greenhorne & O'Mara to do a cross-section of the site to assure that their concern is met. The drawing they prepared is part of the detailed application and illustrates the foliage which obstructs the view of the building from North Farm. Mr. Kominers advised that there was no problem with the Mayor and Council requesting the Planning Commission to pay particular attention to North Farm's concern regarding visual sitings.

Following a presentation by the architects, Councilmember Hovsepien asked if the trees would be left in place. The response was that a temporary nursery is being established on site to nurture new and existing trees and plantings.

Councilmember Coyle requested information regarding the opportunity to mitigate

traffic because of a single tenant and asked if there had been discussion of traffic mitigation measures. Mr. Kominers responded that a shuttle arrangement between the two properties would result in little traffic on local streets.

In response to Councilmember Coyle's concern that Marriott's proposal provides for more parking spaces than required, Howard Thomas, attorney for Marriott, stated that Marriott receives a large number of visitors on a daily basis; however, these visits occur during off-peak hours. Mr. Thomas advised that Marriott was one of the first local corporations to participate in traffic mitigation measures. In addition to a shuttle bus to Metro, Marriott will provide its own shuttle system from existing headquarters to this site. In response to Mayor Duncan's question as to whether they are active participants in the Transportation Action Partnership, Mr. Thomas responded yes.

Mr. Kominers confirmed that Marriott is on schedule insofar as Tower Oaks development is concerned. In response to Councilmember Coyle's question as to any major issues other than height, Mr. Kominers stated that in working with the City Manager's Office, Public Works and Planning, they were able to address conceptually all issues concerned such as height. As to issues emanating from the Planning Commission review, Mr. Kominers stated that he hoped it was a lack of full understanding of the constraints of the site on the Commission's part which resulted in some dissatisfaction.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the schematic building design plans for Marriott/Tower Oaks development were approved with the proviso that a recommendation be sent to the Planning Commission that they be cognizant of site line concerns of North Farm residents.

Re: Adoption of Resolution to
approve Annexation Petition
X-107-89, Joseph A. Lynott,
attorney for Jimmy and
Jeannette Johnson, petitioners.

Meeting No. 17-90

17

April 23, 1990

Resolution No. 10-90

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution No. 10-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to approve annexation into the City of Rockville and R-S zoning of a 68,703 square foot parcel located at the southeast corner of Wescott Place and Scott Drive.

Re: Introduction of Ordinance to adopt Zoning Map changes in conjunction with approval of Annexation Petition X-107-89, Joseph A. Lynott, attorney for Jimmy and Jeannette Johnson, petitioners.

This Ordinance to adopt Zoning Map changes in conjunction with approval of Annexation Petition X-107-89 to provide R-S zoning of a 68,703 square foot parcel located at the southeast corner of Wescott Place and Scott Drive was duly introduced.

Re: Discussion regarding current status of Montgomery County's Tax Duplication program as it affects the City of Rockville.

The City Manager noted that a detailed report was provided in the brief book in response to interest expressed regarding the tax duplication program. The Director of Finance summarized the report noting that the program evolved from the County's recognition that a number of municipalities provide services that otherwise would be provided by the County. The County measures the cost of what it would have incurred in the provision of services and refunds that amount to the municipalities involved. There are five general categories of expenditures eligible for reimbursement by the County: road maintenance; police aid; code enforcement; metro access roads; and miscellaneous categories. Currently the City receives approximately \$1.1 million annually from the

County as reimbursement for services provided by the City which would otherwise be provided by the County. The Finance Director indicated that he disagrees with the basis upon which the reimbursement is made, noting that they should use budgeted expenditures rather than actual. Mayor Duncan stated that the City would be renegotiating this formula in the fall.

Mayor Duncan indicated that the 40% figure used by the County for police patrol should be higher now that they have added officers and that the percentage now assigned the patrol function should be determined. The Finance Director noted that the City has never applied for the Board of Appeals reimbursement, but that it is only \$.02 per parcel. Mayor Duncan asked for a follow-up memorandum which would provide a break down of the \$89,000 for Code Enforcement. Mr. Deckard also indicated that the City has never received reimbursement for landlord-tenant before and it should apply retroactively. Mayor Duncan indicated that all of these items should be identified for FY91 because the County is on notice that the City wishes to discuss these items.

Councilmember Coyle commented that, without these reimbursements, another \$.15 or \$.16 of assessed value would be required in order to provide these services; thus, this represents a significant payback to the citizens of the City. Additionally, the City provides a better service for less money, such as water and sewer.

Mr. Deckard indicated that a total of \$102,000 in additional reimbursements has been identified: \$60,000 human rights; \$15,000 for landlord-tenant; \$25,000 lane miles and the remainder for Board of Appeals.

In response to Councilmember Hovsepian, Mr. Deckard indicated that animal control is included in the reimbursement; that the County has a contract with the Humane Society and nets revenues against total costs of the program.

Councilmember Coyle referenced the issue of lost revenue to the City as a

Meeting No. 17-90

19

April 23, 1990

result of the location of County buildings. He indicated that at some future time they may wish to look at alternatives such as PILOT (payment in lieu of taxes). Mayor Duncan responded that this should also be part of the fall discussions. Mayor Duncan indicated that an attempt should be made to receive an additional \$75,000 in reimbursement in FY91 and the total \$100,000 in the '92 process. He requested that staff apprise the Mayor and Council of their success in these negotiations.

Re: Discussion and instructions
to staff regarding proposed
Community Partnership Grant.

The City has an opportunity to apply for federal grant funding for drug abuse efforts. Councilmember Robbins stated that he would abstain from discussions regarding this item because the grant is funded by the agency which employs him. Councilmember Marrinan recommended that the City go ahead and apply. Mayor Duncan agreed, indicating that the City should move ahead. With respect to space allocation, Mayor Duncan felt that there should be space in a City facility such as the Lincoln Park community center or Broome School. Co-applying with Montgomery County lends strength to the application and should be pursued.

Councilmember Coyle noted that the program represents an acceptable level of risk, but it is premature to make a decision now as to absorbing the cost of the program if it is not funded in future years. The City Manager agreed and indicated there are good reasons to move ahead.

Re: FYI/Correspondence

Councilmember Robbins commented on the Science Day activities held at Montgomery College, noting that it was a tremendous success. The City's efforts were particularly noteworthy and their booths and demonstrations interesting. The police officers were very helpful in demonstrating fingerprinting and other techniques.

Regarding the Area 2 elementary school space needs study, Councilmember Marrinan noted that one of the suggestions was to include the former Lincoln High School as a possible elementary school and asked if the use as a school would be inappropriate now that it has been designated an historic district. Staff responded that the Historic District Commission would have to approve any exterior changes, but that it could be used as a school. Mayor Duncan asked for information regarding ownership of the Woodley Gardens Elementary School (Rockville Senior Center).

With respect to the Ritchie Parkway Traffic Pattern, the Mayor and Council agreed that staff should proceed as described and contact the neighborhood to be certain that there still remains a positive reaction to the change.

Regarding the State of Maryland Loans and Grants, Mayor Duncan noted that there is a grant workshop to be held to provide help in preparing applications and staff was asked to find out when it would take place. Since funds are not available until July 1, Mayor Duncan asked when the City can apply so that a grant award can be made on July 1. Mayor Duncan also inquired as to whether the City is applying for grant monies available for special events. The City Manager responded that this is the second installment of the grant program which will be detailed in next week's FYI; staff does have a concept for such an application.

With respect to the Statewide Special Transportation Assistance Program, Councilmember Hovsepian noted that it is available throughout the County and asked if Rockville residents are using it, especially in view of discussions with the Senior Citizens Commission regarding their taxi program not being cost effective. The City Manager responded that he distributed a report today indicating the City's longstanding participation in the program and that the City will be part of the reapplication discussed in Mr. McGarry's letter. The program has substantial benefits to Rockville

Meeting No. 17-90

21

April 23, 1990

senior citizens.

Re: New Business

Councilmember Marrinan indicated that the Transportation Planning Board is moving on a contract to look at proposed HOV improvements on the I-270 corridor, and they will be looking at items such as queue jumping sessions and an HOV shoulder lane for sections of I-270 and beltway.

Regarding the improvements at the mixing bowl, Councilmember Hovsepien stated that lane markings are still not there and it is very confusing. The City Manager responded that the City traffic engineer has written a letter to the State detailing the lane markings the City feels are appropriate there.

Councilmember Coyle noted two items:

1. He continues to hear good things about the police department (patrols) and congratulated Chief Treschuk.

2. Several citizens have commented about the CD lanes on I-270; that people are driving 65-70-75 mph. The Police Chief responded that State Police are using zero tolerance in these areas.

Councilmember Robbins passed along some very positive comments received from the family of a daughter who was partially paralyzed by an accident. Both the Recreation and Parks Department and the Public Works Department have been supportive and provided assistance.

Mr. Romer stated that the Mayor and Council had given staff the directive to negotiate for the purchase of 313 Frederick Avenue. An Offer of Agreement is now ready. Mayor Duncan responded that a request has been received from the neighborhood to solicit comments from adjoining property owners. Letters are being sent to adjacent neighbors and this item should be brought back at the next meeting.

Meeting No. 17-90

22

April 23, 1990

Mayor Duncan asked for more information on the solid waste transfer facility special exception before the County Board of Appeals as an agenda item; he has had discussions with Harlequin Theatre owners, Lincoln Park residents and others regarding this matter.

Mayor Duncan stated that the Richard Montgomery PTSA was inquiring as to the possibility of selling "Celebrate Rockville" t-shirts as a way to help raise funds to recover some of the costs of the vandalism at their school. He asked that the t-shirts be available for Hometown Holidays or prior to that time. The City Manager responded that the design efforts are underway, and the Mayor and Council will have an opportunity to review the design in the near future.

Re: Executive session

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council convened in executive session at 10:30 p.m. to consult with legal counsel and discuss disposition of city-owned land.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 11:35 p.m., to convene again in Special Session at 7:30 p.m. on April 30 1990, or at the call of the Mayor.